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GOVERNMENT GAZETTE

STAATSKOERANT

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KAAPSTAD, 24 MEI 1972.

DEPARTMENT OF THE PRIME MINISTER.

DEPARTEMENT VAN DIE EERSTE MINISTER.

No. 863. 24th May, 1972.

No. 863.

24 Mei 1972.

It is hereby notified that the State President has assented to the following Act which is hereby published for general information:—

Hierby word bekend gemaak dat die Staatspresident sy goedkeuring gegee het aan die onderstaande Wet wat hierby ter algemene inligting gepubliseer word:—

No. 42 of 1972: Anatomical Donations and Post-mortem Examinations Amendment Act, 1972.

No. 42 van 1972: Wysigingswet op Anatomiese Skenkings en Nadoodse Ondersoeke, 1972.

WET

Tot wysiging van artikel 2 van die Wet op Anatomiese Skenkings en Nadoodse Ondersoeke, 1970, ten einde voorsiening te maak vir toestemming deur iemand tot 'n nadoodse ondersoek van sy liggaam en vir die skenking van 'n liggaam of vir toestemming tot 'n nadoodse ondersoek deur 'n voog; om dit duidelik te stel dat 'n distriksgeneesheer, in plaas van sekere gemagtigde persone, in sekere omstandighede bepaalde weefsel van 'n liggaam kan skenk; om voorsiening te maak vir die herroeping van 'n skenking of toestemming; tot wysiging van artikel 15 van bedoelde Wet ten einde 'n straf vir 'n oortreding van artikel 7 (1) voor te skryf; en om voorsiening te maak vir aangeleenthede wat daarmee in verband staan.

*(Engelse teks deur die Staatspresident geteken.)
(Goedgekeur op 16 Mei 1972.)*

DAAR WORD BEPAAL deur die Staatspresident, die Senaat en die Volksraad van die Republiek van Suid-Afrika, soos volg:—

Wysiging van
artikel 2 van
Wet 24 van 1970.

1. Artikel 2 van die Wet op Anatomiese Skenkings en Nadoodse Ondersoeke, 1970 (hieronder die Hoofwet genoem), word hierby gewysig—

(a) deur al die woorde wat paragraaf (a) van subartikel (1) voorafgaan, deur die volgende woorde te vervang:

„Iemand wat bevoeg is om 'n testament te maak, kan in sy testament of in 'n skriftelike stuk geattesteer deur minstens twee bevoegde getuies, of in 'n verklaring wat mondeling in die teenwoordigheid van minstens twee persone van agtien jaar of ouer gemaak word, sy liggaam of 'n deel daarvan skenk om na sy dood gebruik te word vir enige van die doeleindes wat hieronder vermeld word, of toestem tot 'n nadoodse ondersoek op sy liggaam vir enige van bedoelde doeleindes, en sodanige persoon kan in sodanige testament, skriftelike stuk of verklaring enige van die volgende inrigtings of persone as begiftigde of begiftigdes benoem:”;

(b) deur subartikel (2) deur die volgende subartikel te vervang:

„(2) By ontstentenis van 'n skenking of toestemming ingevolge subartikel (1) deur 'n persoon en van 'n strydige opdrag deur sodanige persoon gegee—

(a) kan die eggenoot of 'n meerderjarige kind of 'n ouer of voog of 'n meerderjarige broer of 'n meerderjarige suster van sodanige persoon (hieronder die in paragraaf (a) bedoelde persone genoem), sy liggaam of 'n deel daarvan na sy oorlye aan 'n in subartikel (1) bedoelde inrigting of persoon skenk om gebruik te word vir enige van die doeleindes in daardie subartikel vermeld; of

ANATOMICAL DONATIONS AND POST-MORTEM
EXAMINATIONS AMENDMENT ACT, 1972.

Act No. 42, 1972

ACT

To amend section 2 of the Anatomical Donations and Post-Mortem Examinations Act, 1970, in order to provide for consent by a person to a post-mortem examination of his body and for the donation of a body or for consent to a post-mortem examination by a guardian; to make it clear that a district surgeon, instead of certain authorized persons, may in certain circumstances donate specified tissue from a body; to provide for the revocation of a donation or consent; to amend section 15 of that Act in order to prescribe a punishment for a contravention of section 7 (1); and to provide for incidental matters.

(English text signed by the State President.)
(Assented to 16th May, 1972.)

BE IT ENACTED by the State President, the Senate and the House of Assembly of the Republic of South Africa, as follows:—

1. Section 2 of the Anatomical Donations and Post-Mortem Examinations Act, 1970 (hereinafter referred to as the principal Act), is hereby amended—

Amendment of
section 2 of
Act 24 of 1970.

- (a) by the substitution for all the words preceding paragraph (a) of subsection (1) of the following words:

“Any person who is competent to make a will may, in his will or in any document attested by at least two competent witnesses or in any statement made orally in the presence of at least two persons of or over the age of eighteen years, donate his body or any part of it to be used after his death for any of the purposes hereinafter stated, or consent to a post-mortem examination of his body for any of such purposes, and such person may in such will, document or statement name any of the following institutions or persons as donee or donees:”;

- (b) by the substitution for subsection (2) of the following subsection:

“(2) In the absence of a donation or consent in terms of subsection (1) by any person and of any contrary direction given by such person—

- (a) the spouse or any major child or any parent or guardian or any major brother or major sister of such person (hereinafter referred to as the persons referred to in paragraph (a)), may after his death donate his body or any part thereof to any institution or person referred to in subsection (1) to be used for any of the purposes mentioned in that subsection; or

Wet No. 42, 1972

WYSIGINGSWET OP ANATOMIESE SKENKINGS EN
NADOODSE ONDERSOEKE, 1972.

- (b) indien geeneen van die in paragraaf (a) bedoelde persone opgespoor kan word nie, kan 'n distriks-geneesheer, in plaas van sodanige persone, ondanks andersluidende bepalings van die Anatomiewet, 1959 (Wet No. 20 van 1959), enige bepaalde weefsel van die liggaam van sodanige persoon skenk nadat hy gesterwe het: Met dien verstande dat geen sodanige skenking gemaak word nie tensy—
- (i) in die geval van ander weefsel as oogweefsel, twee ander geneesheer skriftelik verklaar het dat na hul mening die gebruik van sodanige weefsel op die liggaam van 'n ander persoon onmiddellik nodig is ten einde die lewe van sodanige ander persoon te red; en
 - (ii) sodanige distriksgeneesheer oortuig is dat alle redelike stappe gedoen is om die in paragraaf (a) bedoelde persone op te spoor.”;
- (c) deur subartikel (5) deur die volgende subartikel te vervang:
- „(5) Waar iemand by sy afsterwe 'n voorgeskrewe uitkenningsetiket dra wat deur 'n inrigting uitgereik is wat vir dié doel deur die Minister goedgekeur is, word sodanige persoon geag 'n skenking ingevolge hierdie artikel van sy liggaam of van enige bepaalde weefsel daarvan, na gelang van die geval, te gemaak het.”; en
- (d) deur subartikel (11) deur die volgende subartikel te vervang:
- „(11) 'n Skenking gemaak of toestemming gegee ingevolge hierdie artikel kan voor sy dood deur die persoon wat die skenking gemaak of toestemming gegee het, herroep word op dieselfde wyse as dié waarop die skenking gemaak of toestemming gegee is, of, in die geval van 'n skenking of toestemming by wyse van 'n testament of ander skriftelike stuk, ook deur opsetlike vernietiging van sodanige testament of ander skriftelike stuk of by wyse van mondelinge herroeping van sodanige skenking of toestemming voor twee getuies.”.

Wysiging van
artikel 15 van
Wet 24 van 1970.

2. Artikel 15 van die Hoofwet word hierby gewysig deur subartikel (2) deur die volgende subartikel te vervang:

„(2) Iemand wat skuldig bevind word aan 'n misdryf vermeld in artikel 3 (1), 7 (1), 10 (2) of 14, is strafbaar met 'n boete van hoogstens vyfhonderd rand of met gevangenisstraf vir 'n tydperk van hoogstens ses maande.”.

Kort titel.

3. Hierdie Wet heet die Wysigingswet op Anatomiese Skenkings en Nadoodse Ondersoeke, 1972.

ANATOMICAL DONATIONS AND POST-MORTEM
EXAMINATIONS AMENDMENT ACT, 1972.

Act No. 42, 1972

- (b) if none of the persons referred to in paragraph (a) can be traced, a district surgeon, in stead of such persons, may, notwithstanding anything contained in the Anatomy Act, 1959 (Act No. 20 of 1959), donate any specified tissue from the body of such person after he has died: Provided that no such donation shall be made unless—
- (i) in the case of any tissue other than eye tissue, two other medical practitioners have stated in writing that in their opinion the use of such tissue in the body of another person is immediately necessary in order to save the life of such other person; and
 - (ii) such district surgeon is satisfied that all reasonable steps have been taken to trace the persons referred to in paragraph (a).”;
- (c) by the substitution for subsection (5) of the following subsection:
- “(5) Where a person at the time of his death is wearing any prescribed identity tag issued by an institution approved for that purpose by the Minister, such person shall be deemed to have made a donation, in terms of this section, of his body or of any specified tissue thereof, as the case may be.”; and
- (d) by the substitution for subsection (11) of the following subsection:
- “(11) Any donation made or consent given in terms of this section may be revoked prior to his death by the person who made the donation or gave the consent, in the same way in which it was made, or, in the case of a donation or consent by means of a will or other document, also by intentional destruction of such will or other document or by oral revocation of such donation or consent before two witnesses.”.
2. Section 15 of the principal Act is hereby amended by the substitution for subsection (2) of the following subsection: Amendment of section 15 of Act 24 of 1970.
- “(2) Any person who is found guilty of an offence specified in section 3 (1), 7 (1), 10 (2) or 14 shall be liable to a fine not exceeding five hundred rand or to imprisonment for a period not exceeding six months.”.
3. This Act shall be called the Anatomical Donations and Post-Mortem Examinations Amendment Act, 1972. Short title.

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